



## **HISTORIC LANDMARKS COMMISSION**

### **ACTION MINUTES**

**May 04, 2016**

**Regular Session**

**6:30 p.m.**

**Wing Room 120**

**First Floor, City Hall Wing**

**200 East Santa Clara Street**

**San José, CA 95113**

### **Commission Members**

**Edward Saum, Chair**

**Joshua Marcotte, Vice Chair**

**Rachel Grothe**

**Eric Hirst**

**Patricia Jones**

**Anthony Raynsford**

**Max Schultz**

**Harry Freitas, Director**

**Department of Planning, Building & Code Enforcement**

### Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Carina Shattuck at 408-535-5695 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

### NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

#### **The procedure for public hearings is as follows:**

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- *The Historic Landmarks Commission will take action on the item.*

#### **The procedure for referrals is as follows:**

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- *The Historic Landmarks Commission will comment on the referral item.*

**If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.**

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

# **AGENDA**

## **ORDER OF BUSINESS**

### **ROLL CALL**

**Commissioner Grothe absent**

### **1. DEFERRALS**

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Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

**No Items**

### **2. CONSENT CALENDAR**

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**The consent calendar items are considered to be routine and will be adopted by one motion.** There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time

**No Items**

### **3. PUBLIC HEARINGS**

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- a. The projects being considered are located on an 8.93 gross acre site, bounded by the Los Gatos Creek to the west, the Guadalupe River/Flood Channel to the east, West Santa Clara Street to the north and West San Fernando Street to the South. (Diridon Station Joint Venture LLC, Owner). Council District 3. CEQA: Addendum to the San Jose Water Land Company Planned Development Rezoning Final Environmental Impact Report (Resolution No. 71952), the Downtown Strategy 2000 Final Program Environmental Impact Report (Resolution No. 72767), and the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617) **PROJECT MANAGER, JOHN TU**

**HP16-002.** Historic Preservation Permit to allow demolition of non-historic building additions to the San José Water Works building, relocation of a transformer house on site, construction of an underground garage near the historic building, garage access structure, a paved plaza, and landscaping on the 1.02 gross acre San José Water Works historic landmark site.

**PD15-061.** Referral of a Planned Development Permit to allow the construction of a mixed use development with up to 1.04 million square feet for office/retail and up to 325 multi-family residential units.

**Commissioners Schultz and Marcotte expressed support of the project as proposed.**

**Commissioner Hirst indicated that the project should incorporate a plaque or other information to provide the public with information about the historic significance of the San Jose Water Works building and transformer house.**

Commissioner Raynsford expressed concern about the extensive use of glass on the tower of the building adjacent to the historic Water Works building and recommended that the use of materials on that building be revisited; recommended that the height of the podium of the building adjacent to the Water Works building should be revised to better relate to the height of the Water Works building and the extensive use of glass should be revisited; expressed concern regarding the angle of the podium on the building as it would create a plaza that is too open with retail pulled too far back from the street in order to maintain the view of the side of the Water Works building that is not a historic view shed.

Commissioner Jones expressed concern that the new buildings are too busy in appearance and need to better integrate with each other.

Commissioner Saum expressed concern that important design aspects of the project could be revised without going through a public hearing process as a large number of the proposed project conditions are written “to the satisfaction of the Director of Planning, Building and Code Enforcement,” and indicated that the majority of his questions and comments on the project are related to the future use of the San Jose Water Works building which will come back to the Commission at a later date.

Commissioner Raynsford moved to recommend that the Planned Development Permit application be modified to reexamine the height of the podium on the proposed building adjacent to the San Jose Water Works building to better relate to the historic building; to break up the façade of the proposed building along West Santa Clara Street; and to break up the use of glass with other materials at the proposed tower that is closest to the San Jose Water Works building. Commissioner Jones seconded the motion. The motion failed (3-3-1, Marcotte, Hirst, and Schultz opposed; Grothe absent).

Commissioner Schultz moved to accept the Planned Development Permit application as proposed. Commissioner Marcotte seconded the motion. The motion failed (3-3-1, Saum, Jones, and Raynsford opposed; Grothe absent).

Commissioner Schultz moved to accept the Planned Development Permit application as proposed and to direct staff to provide each Commissioner’s comments to the City Council for consideration. Commissioner Marcotte seconded the motion. The motion passed (6-0-1, Grothe absent).

Commissioner Shultz moved to recommend that the Director of Planning approve the Historic Preservation Permit with direction for any future modifications to the San Jose Water Works building to return to the Historic Landmarks Commission for review. Commissioner Jones seconded the motion. The motion passed (6-0-1, Grothe absent).

#### **4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES**

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No Items

## 5. OPEN FORUM

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- a. Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

**Mr. Larry Ames informed the Commission that on April 18, 2016, the State Historic Resources Commission approved the nomination of the Willow Glen Trestle to the National Register of Historic Places. Mr. Ames provided a summary of the public hearing and thanked the Commission for their support.**

## 6. GOOD AND WELFARE

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- a. Report from Secretary, Planning Commission, and City Council

1. Past Agenda Items

**The deaccession of items from the History San Jose Collections that was heard before the Commission at the March 2, 2016 meeting was approved by City Council on April 19, 2016 and the sale of items will take place at History Park on June 3 and 4, 2016. On April 20, 2016 the Director of Planning approved an amendment to the Site Development Permit for the Parkview Towers project to modify timing of conditions unrelated to restoration of the First Church of Christ Scientist City Landmark building; therefore, no amendment to the Historic Preservation Permit for the project was required. The City has released a Notice of Preparation of an Environmental Impact Report for the Gateway Towers project. Staff has forwarded the Commission recommendations regarding analysis to be included in the project from the December 2, 2015 meeting in lieu of referring the Notice of Preparation to the Commission for comment.**

2. Future Agenda Items

**The Notice of Preparation of an Environmental Impact Report for the Levitt Pavilion and St. James Park renovation project is anticipated to come before the Commission at the June 1, 2016 meeting.**

3. Summary of communications received by the Historic Landmarks Commission

**No communications were received by the Historic Landmarks Commission.**

4. [St. James Park Design Competition](#)

**Staff provided an overview of the St. James Park Design Competition and noted that this project will be evaluated as part of the Environmental Impact Report for the Levitt Pavilion at St. James Park.**

- b. [Adoption of Updated Historic Landmarks Commission By-Laws](#)

**Commissioner Schultz moved to adopt a Resolution to modify the Rules of Conduct of the Business of the Historic Landmarks Commission as proposed. Commissioner Raynsford seconded the motion. The motion passed (6-0-1, Grothe absent).**

- c. Election of new member to Design Review Committee

**No members of the Commission present at the meeting are able to serve on the Design Review Committee, other than those already on the Committee. No member was elected.**

- d. Report from Committees

1. Design Review Subcommittee (Saum and Jones)  
Meets the 3<sup>rd</sup> Wednesday of the month as necessary

**The Committee did not meet in April.**

- e. Approval of Action Minutes

1. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [April 6, 2016](#)

**Chair Saum noted that Mr. Brian Grayson was identified on the Action Minutes under item 6.e., as a representative of the Friends of Levitt San Jose Committee. Mr. Grayson is a member of the Levitt Pavilion Steering Committee, not the Friends of Levitt San Jose Committee. Commissioner Raynsford moved to approve the Action Minutes for the Historic Landmarks Commission meeting of April 6, 2016 with the modification to identify Brian Grayson as a representative of the Levitt Pavilion Steering Committee. Commissioner Hirst seconded the motion. The motion passed (6-0-1, Grothe absent).**

- f. Status of Circulating Environmental Documents: Negative Declarations  
<http://www.sanjoseca.gov/index.aspx?NID=2165> and Draft Environmental Impact Reports  
<http://www.sanjoseca.gov/index.aspx?NID=2434>

**Staff reported that there are no environmental documents of note to the Commission currently in circulation, other than the Notice of Preparation for an Environmental Impact Report for the Gateway Towers project, which was discussed in the Secretary's Report.**

## **ADJOURNMENT**

# **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

## **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

## **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.